

REMARKS

Claim 11 stands finally rejected as being anticipated by newly cited reference, Hoover, US 3,354,518. The reference teaches a clip for a tube or the like of limited axial extent. The clip is structured to accommodate tubes of varying diameters; the patentee uses a slotted opening which is generally axially extending and inclined at a small angle thereto along which the hinge pin of a closure member is selectively slidable. The effect of this is that the effective length of the confronting surfaces of the jaws will vary in accordance with the position in which the hinge pin is disposed. By contrast, in applicants' clip, the slotted opening is disposed in a manner whereby the effective length of the confronting surfaces of the jaws will remain unchanged by the position of the hinge pin as it is adjusted to accommodate varying thicknesses of bags to be clamped by the clip. In rejected claim 11 the clip is defined as being axially elongated, and the openings for the hinge pin as being generally vertically elongated. The examiner opines that the inclined axial opening of the patentee may be considered to meet this criterion merely by orienting the clip in a suitable manner. It is respectfully submitted that taken in the context of the specification as a whole, such allegation is untenable. Thus, in the disclosure at page 4, lines 26-28, it is indicated that various terms and the like are used for the purpose of facilitating the description of the invention, and not in any absolute sense unless the context clearly indicates otherwise. It is believed that the use of the term "vertical" as it relates to a small clip which may obviously be oriented in any manner desired would be construed by any person desirous of giving meaning to the invention as being relative to a horizontally extending axis. Accordingly, it is submitted that the invention as a whole as set forth in rejected claim 11, was patentable over Hoover.

Notwithstanding this, claim 11 as now presented includes therein the subject matter of former claim 19, which was indicated by the examiner to contain allowable subject matter, and claim 19 has concomitantly been cancelled. In addition, the word "vertical" in newly presented claim 11 has been effectively replaced by "orthogonal", support for which is to be found at page 5, line 11 for example. It is respectfully submitted that this amendment is within the scope of former claim 19, and that it contains no new subject matter.

Claims 12-15 stand rejected as being unpatentable over Hoover pursuant to either Section 102 or 103. Since these claims are now dependent either directly or indirectly on a claim that is

believed to be allowable for the foregoing reasons, it is respectfully submitted that claims 12-15 are also allowable at least for the foregoing reasons. In addition, it is believed that claim 15 contains patentable subject matter in its own right. Thus, in claim 15 the bearing path is defined as being cardioid. The examiner dismisses this delimitation as being merely a design choice. The advantage of this shape, as disclosed in the specification beginning page 6 line 31 through page 7 line 2, is to provide a tight fit between the hinge pin and the bearing passage at all positions of adjustment, thereby limiting skewing of the jaws of the clip. Such advantage is not disclosed in Hoover or any other prior art known to applicant, and it is submitted that the invention as a whole that is particularly addressed by this feature is not apparent from any reading of the prior art alone or taken with common general knowledge.

The examiner has objected to former claim 16 as being dependent upon a rejected claim. Former claim 16 is now presented in independent form as claim 21. Claims 22-25, which are dependent either directly or indirectly on new claim 21, are based on the subject matter of former claims 17-20 respectively.

It is believed that the foregoing is fully responsive to the Office Action, and that the application is now placed in condition for allowance.

Early and favorable reconsideration is respectfully requested.

Respectfully submitted

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